SB Civil Writ Petition No.4462/2006
Pushpendra Singh Vs The District Judge, Alwar & ors
4.12.2006

Hon'ble Mr Justice Ashok Parihar

Mr Pankaj Jain – for petitioner
Mr Rakesh Sharma – for respondent No.3
BY THE COURT:

Apart from raising point of jurisdiction, the petitioner has also challenged the order dated 24.5.2006, by which, cross examination of one of the witnesses of respondent No.3 has been closed. Learned counsel for the above respondent, however, submitted that subsequently the election petition has been transferred to the competent court by the District Judge, Alwar. But, the fact remains that in spite of prayer made by counsel for the petitioner for adjournment on the ground of application for transfer been made before the District Judge, the cross examination of one of the witnesses of contesting respondent had been closed on 24.5.2006.

Considering entire facts and circumstances, the impugned order dated 24.5.2006 cannot be sustained and is set aside. The trial court, where the election petition now has been transferred, is directed to allow the petitioner to cross examine the witness namely Mahadev. If required, necessary summons may also be issued for the above witness. The trial court then proceed further in accordance with law.

With the above observations and directions, the writ petition is disposed of accordingly.

(Ashok Parihar) J.

bnsharma